

UPDATED: 04/13/2010

APRIL 2010

ORAL ARGUMENT

CALENDAR

04/13/2010

APRIL, 2010

APRIL 12, 2010

**11:00 – 11:40 A.M., ORAL ARGUMENT, 2009-CA-000790,
CELINA MUTUAL INSURANCE CO., ET AL., V.
HARBOR INSURANCE AGENCY, ET AL.,
JUDGE CAPERTON, PRES., JUDGE CLAYTON AND
SR. JUDGE BUCKINGHAM, ASSOC.**

**2:00 P.M., FRANKFORT TIME, MOTION PANEL,
JUDGE NICKELL, PRES., JUDGE CLAYTON AND
SR. JUDGE BUCKINGHAM, ASSOC.**

APRIL 21, 2010

10:00 A.M. COURT MEETING

**PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL
ARGUMENTS SCHEDULED:**

FRANKFORT – Contact Mary Zagale - (502) 573-7920

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Monday, April 12, 2010

**11:00 AM PJ: CAPERTON, HON. MICHAEL O. CLAYTON, HON. DENISE G. BUCKINGHAM, HON. DAVID C.
2009CA000790 CELINA MUTUAL INSURANCE COMPANY v HARBOR INSURANCE AGENCY, LLC**

Appellant appeals the trial court's grant of summary judgment in favor of the insurance agent and agency; Concerns negligence and indemnification.

CIVIL TRIGG COUNTY HON CLARENCE A. WOODALL

Appellant Atty:

**SKAVDAHL, DUANE
SMITH, LINDSAY**

Appellant Name:

CELINA MUTUAL INSURANCE COMPANY

Appellee Atty:

OAKLEY, K.

Appellee Name:

HARBOR INSURANCE AGENCY, LLC

**** NOTE:40 MINUTE ORAL**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Tuesday, April 13, 2010

10:30 AM PJ: STUMBO, HON. JANET L.

LAMBERT, HON. JAMES H.

WHITE, EDWIN M.

2009CA000603

BETHEL FELLOWSHIP, INC. v ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

MOR appeal from order denying appeal from order of the Environmental and Public Protection Cabinet. Issues are whether the court erred in holding that the Cabinet proved that Appellant was a corporation and that it held title to the subject property. Other issues are whether the Secretary can remand for additional evidence and whether the burden of proof was properly applied.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

HINES, RONALD

BETHEL FELLOWSHIP, INC.

Appellee Atty:

Appellee Name:

QUARLES, JACQUELYN

**ENVIRONMENTAL AND PUBLIC PROTECTION
CABINET**

**** NOTE:**

11:15 AM PJ: STUMBO, HON. JANET L.

NICKELL, HON. C. SHEA

THOMPSON, HON. KELLY

2008CA000153

DONNA YEAGER v DANIEL DICKERSON

MOR appeal from summary judgment finding that an alleged violation of HIPPA by an attorney during court proceedings does not provide a private cause of action.

CIVIL

GRANT COUNTY

HON STEPHEN L BATES

Appellant Atty:

Appellant Name:

DETERS, ERIC

YEAGER, DONNA

Appellee Atty:

Appellee Name:

STEPNER, DONALD

DALLAS, STEPHEN

BAXTER, RUTH

DICKERSON, DANIEL

**** NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Tuesday, April 13, 2010

12:00 PM PJ: THOMPSON, HON. KELLY

MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

2009CA000200 J. HILTON BROOKS v BROOKS FURNITURE MFGRS., INC.

2009CA000280

When a family owned corporation merged with a Tennessee corporation, the appellant dissented and demanded payment for his shares. Appellant appeals from a judicial appraisal of dissenter's shares.

CIVIL

BELL COUNTY

HON JAMES L BOWLING

Appellant Atty:

Appellant Name:

WILSON, PHILIP

BROOKS, J.

Appellee Atty:

Appellee Name:

SANDIDGE, RIDLEY JR.

BROOKS FURNITURE MFGRS., INC.

** NOTE:

12:45 PM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

THOMPSON, HON. KELLY

2009CA001144 CONNIE HANCOCK v KENTUCKY BOARD OF TAX APPEALS

Whether circuit court erred by granting appellee (Prestonsburg Industrial Corp.) an exemption for taxation.

CIVIL

FLOYD COUNTY

HON JOHN DAVID CAUDILL

Appellant Atty:

Appellant Name:

DOWELL, DOUGLAS

HANCOCK, CONNIE

MARSHALL, DWIGHT

Appellee Atty:

Appellee Name:

BEAM, BILL JR

KENTUCKY BOARD OF TAX APPEALS

FITZPATRICK, RICHARD

PRESTONBURG INDUSTRIAL CORPORATION

OSBORNE, MARTIN

SMITH, THOMAS

** NOTE:

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Tuesday, April 13, 2010

01:30 PM PJ: TAYLOR, HON. JEFF S. MOORE, HON. JOY A. THOMPSON, HON. KELLY
2009CA000818 THREE RIVERS MEDICAL CENTER v SOPHIA SAVAGE

Whether circuit court erred by denying appellant's motion for directed verdict upon appellees' medical malpractice claim.

CIVIL LAWRENCE COUNTY HON JOHN DAVID PRESTON

Appellant Atty:

**RAGLAND, DAVID
SWAIN, WILLIAM**

Appellant Name:

THREE RIVERS MEDICAL CENTER

Appellee Atty:

**CHAFIN, H
CHAFIN, LETITIA
HOGAN, MICHAEL**

Appellee Name:

SAVAGE, SOPHIA

**** NOTE:**

02:15 PM PJ: MOORE, HON. JOY A. TAYLOR, HON. JEFF S. THOMPSON, HON. KELLY
2009CA000548 THE ESTATE OF DAVID AVANT v KENTUCKY UTILITIES COMPANY
2009CA000784

Direct Appeal (2009CA000548): Negligence action in which appellants/cross appellees argue that circuit court erred in granting summary judgment to Kentucky Utilities; Cross Appeal (2009CA00784): Kentucky Utilities cross appeals on the issue of superseding cause.

CIVIL BELL COUNTY HON JAMES L BOWLING

Appellant Atty:

**CARROLL, THOMAS
HEIDEMAN, RICHARD
TURNER, LANCE**

Appellant Name:

THE ESTATE OF DAVID AVANT

Appellee Atty:

**BYRNE, JEREMIAH
CLINE, JACOB III
CORNETT, J.
JONES, MATTHEW
SNYDER, SHERYL
SUMNER, GRIFFIN**

Appellee Name:

KENTUCKY UTILITIES COMPANY

**** NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Wednesday, April 14, 2010

10:00 AM PJ: THOMPSON, HON. KELLY

MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

2009CA000895

LARRY HONEYCUTT v NORFOLK SOUTHERN RAILWAY COMPANY

Appellant's litigation was dismissed for lack of prosecution because the forwarding address for appellant's attorney had expired. Appellant appeals from the trial court's failure to reinstate after the dismissal.

CIVIL

PULASKI COUNTY

HON DAVID A. TAPP

Appellant Atty:

Appellant Name:

WADE, MARK

HONEYCUTT, LARRY

Appellee Atty:

Appellee Name:

GILFERT, JUSTIN

NORFOLK SOUTHERN RAILWAY COMPANY

OEHLER, KATHIEJANE

** NOTE:

10:45 AM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

THOMPSON, HON. KELLY

2008CA001035

DELLA NOE v RANDALL W. WALTERS

Whether circuit court erred by granting appellees motion to dismiss appellants' medical malpractice action.

CIVIL

BELL COUNTY

HON JAMES L BOWLING

Appellant Atty:

Appellant Name:

RIDINGS, JAMES

NOE, DELLA

Appellee Atty:

Appellee Name:

GUILD, A JR

PINEVILLE COMMUNITY HOSPITAL
ASSOCIATION, INC.

SCHOENBAECHLER, EDWARD

BUTLER, ASHLEY

WALTERS, RANDALL

MCMASTERS, BETH

** NOTE:

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Wednesday, April 14, 2010

11:30 AM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

THOMPSON, HON. KELLY

2007CA000514 WILLIAM DESKINS v IRENE STEPP

Whether circuit court erred by entering default judgment against appellant in the amount of \$436,787.66.

CIVIL PIKE COUNTY

HON STEVEN D. COMBS

Appellant Atty:

Appellant Name:

PILLERSDORF, NED

DESKINS, WILLIAM

Appellee Atty:

Appellee Name:

MAY, MARRS

STEPP, IRENE

** NOTE:

12:15 PM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

THOMPSON, HON. KELLY

2008CA002423 GLORIA EDWARDS v PAUL K. CROLEY II

Whether circuit court erred by granting appellees motion for summary judgment dismissing appellants' legal malpractice case.

CIVIL WHITLEY COUNTY

HON PAUL E. BRADEN

Appellant Atty:

Appellant Name:

MORRIS, CHRISTOPHER

EDWARDS, GLORIA

Appellee Atty:

Appellee Name:

RIDINGS, MARCIA

CROLEY, PAUL

CONLEY, LARRY

MOSES, DON

** NOTE:

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Tuesday, April 20, 2010

02:30 PM PJ: KELLER, HON. MICHELLE M.

COMBS, HON. SARA W.

WINE, HON. THOMAS B.

**2009CA000535 TRILLIUM INDUSTRIES, INC. v KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION**

Trillium appeals from a finding that it is a successor for R.S. Communications and thereby liable for unemployment insurance obligations attributable to R.S. Communications. Trillium argues that the findings by the unemployment commission and circuit court are not supported by the evidence.

CIVIL FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

**ARRINGTON, NORBERT
MASTERS, RICHARD**

TRILLIUM INDUSTRIES, INC.

Appellee Atty:

Appellee Name:

MAXSON, JAMES

**KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION**

**** NOTE:ORIGINALLY AT 1:30 PM**